IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2072 OF 2003

IN

SUMMONS FOR JDUGEMNT NO. 348 OF 2002

IN

SUM. SUIT NO. 537 OF 20023

Matchless Investment
Finance & Leasing Ltd,. .. Plaintiff

vs.

Mr. Oommen Michael .. Defendant.

Mr. Mihir Deshmukh i/by Khaitan & Jaykar
for plaitniff.
Mr. K.V. Tembe for defendant.

CORAM : S.U.KAMDAR, J.

DATE : 28th OCTOBER, 2005.

P.C.

. The present motion is taken out for restoration of the summons for judgement which was dismissed for default. The reason given is that the said summons for judgment has been dismissed on the very first date on reopening of the May vacation and the advocate has not yet arrived at Bombay. The ground given is that the managing director expired

just two months before the dismissal of the said summons for judgement. Though there is no satisfactory explanation but in view of the request of the learned counsel for the plaintiff that indulgence be granted if necessary on imposition of cost so that the matter on merit may be considered, I grant the notice of motion and restore the said summons for judgment being Summons for Judgement No. 348 of 2002. The said summons for jugment to be on Board for eharing on 21.11.2005. Plaintiff is directed to pay cost of Rs. 10,000/- to the defendant and in an evnt payment of cost is not made motion to stand dismissed. Costs to be paid within two weeks. Motion disposed of accordingly. No order as to costs.